



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

May 4, 2020

By ECF

The Honorable Valerie E. Caproni
United States District Judge
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, New York 10007

Re: *United States v. Zhongsan Liu*, S1 19 Cr. 804 (VEC)

Dear Judge Caproni:

The Government writes on behalf of the parties to respectfully request an adjournment of the trial currently scheduled for July 13, 2020 in the above-referenced matter, the motions *in limine* briefing schedule, and the deadlines for the submission of requests to charge, proposed voir dire, 3500 materials, marked exhibits, and witness lists.

The parties are not seeking an adjournment of the other pretrial deadlines in this case. In particular, the Government will submit its motion pursuant to Section 4 of the Classified Information Procedures Act by June 8, 2020. The Government understands that the defendant will also file his pretrial motions by that date, including, among other possible motions, a motion to suppress evidence obtained pursuant to the Foreign Intelligence Surveillance Act and a motion for a bill of particulars.¹

In light of the ongoing coronavirus pandemic and corresponding disruption, however, the parties respectfully seek an adjournment of the trial date and trial-related deadlines. Several of the Government's anticipated witnesses are located in other states, and, with interstate travel significantly curtailed, have been unable to travel for meetings with the Government. In addition, those potential witnesses are currently keeping their schedules open for a July trial that appears likely to shift to a later date in light of the indefinite suspension of jury trials in this district pursuant to standing order M-10-468, 20 Misc. 197, and the Court's order of March 25, 2020 stating that trial in this matter will likely be adjourned.

With respect to potential trial dates, the parties do not believe that the Court should set a new trial date at this time. Rather, the parties respectfully submit that the Court should schedule the trial for approximately two months after the Court's normal operations resume, relevant social

¹ The defendant requested a bill of particulars from the Government pursuant to Local Criminal Rule 16.1, in apparent anticipation of a motion.

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distancing guidelines are vacated, and any relevant domestic travel restrictions are lifted. The Government believes that two months from that date will be sufficient time to enable the parties to adequately prepare for trial and to complete the filing of motions *in limine*, requests to charge, and the proposed voir dire. With respect to a schedule for the submission of motions *in limine*, proposed voir dire and requests to charge, and the disclosure of 3500 materials and exhibits, the parties suggest the Court schedule those deadlines ahead of any trial date once set.

Respectfully submitted,
GEOFFREY S. BERMAN
United States Attorney

By: /s/
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cc: Defense counsel (by ECF)